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INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE

C O N F I D E N T I A L SECTION 01 OF 04 TBILISI 000666

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DEPT FOR EUR/CARC

E.O. 12958: DECL: 04/17/2018
TAGS: [PREL](#) [PGOV](#) [PHUM](#) [KDEM](#) [GG](#)
SUBJECT: GEORGIA PARLIAMENTARY ELECTIONS UPDATE

REF: TBILISI 545

Classified By: Ambassador John F. Tefft for reasons 1.4 (b) and (d).

Summary

11. (C) On April 8, the Central Election Commission (CEC) kicked off Georgia's parliamentary elections and presented their election strategy to the international community. OSCE's Office for Democratic Institutions and Human Rights' (ODIHR) election observation mission (EOM) began operations on April 9. The EOM is headed by former Slovenian Foreign Minister and Ambassador, Boris Frlec. Twenty-eight long-term observers have already arrived, and 350 short-term observers will come for the May 21 election. The USAID-funded National Democratic Institute (NDI) presented a campaign code of conduct signed by nine political parties on April 11. More good news came on April 16, when the CEC released an agreement with four local watchdog NGOs regarding a common interpretation of the election code on the misuse of administrative resources. Unfortunately, some United National Council of Opposition (UNC) members have already called for protests after the election. Conversely, the ruling United National Movement (UNM) has begun campaigning in earnest with issue-based ads. However, accusations of questionable election tactics have also arisen. Georgia's Public Defender accused the CEC Chairman of sanctioning fraud in the January presidential election (based on video footage) and demanded his resignation. The government's Inter-Agency Task Force (IATF) on free and fair elections (reftel) issued a CEC rebuttal of the charges, claiming the Public Defender erred in his analysis by not considering special precincts' results. The dispute has become increasingly public and personal. On April 10, Deputy Speaker of Parliament Mikheil Machavariani told Poloff that he expects the UNM to win 85 of 150 total seats on May 21, which is less than a 2/3 constitutional majority as they currently have. Finally, from April 22-24, Scotland Yard, the FBI, and Assistant United States Attorneys will train Georgian prosecutors on how to prosecute financial infractions by political campaigns. End summary.

CEC - Relocated and Ready

12. (U) The CEC kicked off Georgia's parliamentary elections and presented their election strategy to the international community on April 8. The CEC relocated to a new facility for the May 21 election. The new building houses 13 CEC commissioners, an increased staff, better space for election administration operations, and a new spokesman, Zurab Katchkatchishvili. Katchkatchishvili, who spent significant time at the Council of Europe, brings a new, experienced public face to the CEC. The ambitious strategy is based on "lessons learned" from previous elections. It comprehensively incorporates reforms, enhances emphasis on

transparency and professionalism, and includes a public awareness campaign -- which has already begun. The CEC was reorganized into seven departments to enact the strategy and conduct the election. These departments include: Protocol and Registration, Legal Affairs, Public and International Relations, Organizational Affairs, Financial and Economic Issues, Human Resources, and IT. The primary objective of the new strategy is ensuring voters' rights.

ODIHR Observers Come Back

13. (SBU) The GOG again invited an ODIHR election observation mission (EOM) for the May 21 election. The EOM is headed by former Slovenian Foreign Minister and Ambassador, Boris Frlec (Fuhr-litz). Stefan Krause, the Deputy head of ODIHR's January 5 EOM, is reprising this same role again. The EOM began functioning as of April 10. The team will include 28 long-term observers, who will stay through any required runoffs in June (4-5 of the 28 observers were present during the January election). ODIHR has requested, and Krause anticipates, 350 short-term observers. ODIHR has requested they stay an extra day, in order to observe the tabulation and reporting process more thoroughly than on January 5. In addition, ODIHR will field observation teams at most of the District Election Commissions. Frlec stressed to an OSCE Ambassador's Working Group on April 15 that his EOM is not interested in results of the election, but only the process. Frlec appears well aware of the Georgian campaign environment, and seemed firmly intent on providing comprehensive and unbiased reports. He expressed concern about the negative commentary already emanating from some parties and asked the ambassadors to encourage better dialogue from all sides. Still, said Frlec, the Georgians

TBILISI 00000666 002 OF 004

have been given recommendations and resources, now "it's their show" to ensure free elections. ODIHR's first interim report will be issued April 30; the next will follow May 14.

Parties Sign on to NDI's Code of Conduct

14. (U) In a move to improve the responsibility of political parties' dialogue, the USAID-funded NDI presented a campaign Code of Conduct signed by nine political parties in an April 11 press conference. The code is a voluntary agreement between NDI and the signatory parties. It sets standards for the conduct of party leaders, candidates, activists, and election administration representatives (commission members) during the 2008 parliamentary election campaign. The ruling UNM has signed the code, as have the notable opposition parties the Christian-Democratic Movement, the Republicans, the Conservative Party, the Industrialists, and the Labor Party. Because the code is for political parties, it has been signed by some members of the UNC but not the UNC election bloc itself. David Gamkrelidze's New Rightists party (a member of only the election bloc, not the UNC) has not signed NDI's Code of Conduct. Neither has Salome Zourabichvili's Georgia's Way, nor Koba Davitashvili's People's Party.

CEC, NGOs Agree on Guidelines, Election Code Interpretation

15. (C) Additional positive news came with the CEC's April 16 release of its agreement on a memorandum with four local watchdog NGOs regarding a common interpretation of the election code on the misuse of administrative resources. The NGOs include Georgian Young Lawyers Association (GYLA), Transparency International of Georgia (TI), the International Society for Fair Elections and Democracy (ISFED), and New Generation New Initiative (nGnI). The memorandum states that "in the course of administration of administrative and court cases we (the CEC and NGOs) will be guided by the

explanations indicated in the memorandum." Agreed-upon interpretations include definitions of "use/misuse of administrative resources" (a major complaint in the January election), permissible campaign activities of public officials/servants, and that final protocols may be appealed in a court within in "a one calendar day period upon its issuance." In a meeting with the Ambassador on April 11, Parliamentarian Giga Bokeria said the government had agreed on a moratorium on all social voucher programs during the campaign -- a point of contention from the January 5 presidential election.

UNC Threatens Protests, UNM Campaigns Amid Mutual Allegations

¶6. (U) Less positive news came from some UNC opposition leaders. Koba Davitashvili has already called for protests beginning May 22. Levan Gachechiladze said that the country is ruled by "serious terrorists, and everyone should spare no effort to get rid of Saakashvili's bloody regime." The UNC's recent rhetoric indicates they are focusing on making good on these threats to topple the Saakashvili administration, rather than trying to win seats in the election. The UNC -- most prominent among the opposition voices -- has barely addressed campaign issues. Shalva Natelashvili's Labor Party has lambasted not only Saakashvili, but also the Europeans, the U.S., and the other opposition. Not all the opposition has resorted to threats. The Republicans have stressed their moderate credentials and nominated multiple majoritarian candidates. Giorgi Targamadze's Christian-Democratic Movement has been actively establishing regional offices and creating a campaign platform. Former Defense Minister Irakli Okruashvili remains in Paris, where his hearing for political asylum was post-poned again until June 11. His party remains a member of the UNC.

¶7. (SBU) Conversely, the UNM has begun campaigning in earnest. Their first TV ads hit the air on April 10, carrying the UNM's primary message of economic assistance to the Georgian people. Saakashvili admonished the UNC on April 11, saying that talk of more unrest will only further scare international investment away from Georgia. However, accusations of questionable election tactics have also arisen. ISFED presented members of the OSCE Technical Working Group on April 16 with a form a family member received requesting comprehensive voter information, personal identification numbers of the entire family, household income, neighbor referrals, and voting intentions. These "sociological surveys" were being conducted by "social workers" bearing no identification and only implying official

TBILISI 00000666 003 OF 004

status. ISFED claimed that the woman with the form said she was being paid by the UNM to collect the information. TI said they have received similar reports. Poloff spoke with the UNM's International Representative, Irakli Kavtaradze on April 18. Kavtaradze said the UNM is not collecting voter information in their door-to-door campaign. He said that he believed the surveys in question were being conducted by the Ministry of Health to determine households living in poverty.

(Note: Post has been unable to confirm this yet. End note.) GYLA added that UNM officials were distributing government vouchers for free diesel fuel in Senaki a few weeks earlier (although this was before the moratorium on social program vouchers was agreed).

PDO Slams CEC Chair, CEC Rebuts

¶8. (SBU) On April 4, Georgia's Public Defender, Sozar Subari, accused CEC Chairman Levan Tarkhnishvili of fraud in the January election and demanded his resignation, based on video footage from 12 precincts. Subari claimed the CEC had actively obstructed his office access to January 5 video footage for two months, although the CEC claims the footage

was always available for anyone to come to the CEC and view it. On April 11, Prime Minister Nino Burjanadze publicly stated that the election footage is available for all to view at the CEC's offices. Subari again charged on April 15 that the CEC blocked his access to any additional footage, other than the 12 records he had finally received on April 2. Later that day the IATF (reftel) issued a CEC rebuttal of Subari's charges, claiming the Public Defender greatly erred in his analysis of vote padding by not considering special precincts' results (whose results were counted by a regular precinct) or mobile ballot boxes for homebound voters. The IATF and CEC confirmed three potential violations in the footage, and referred those cases to the Prosecutor General's office. (Comment: The situation is now personally polarized between the two agency heads, and the big loser is public confidence in both institutions. It appears that the Public Defender may have omitted important information about the results, but the CEC has not been helpful in responding immediately and publicly to the claims of fraud. Rather than dispassionately clarifying their actions, both sides have resorted to attacking the other. End comment.)

Machavariani Analyzes Election Prospects

¶9. (C) Deputy Speaker of Parliament Mikheil Machavariani privately shared his thoughts on the UNM's chances in the May 21 election with Poloffs on April 10. Machavariani said he is managing the UNM's campaign, although he is not the UNM's new party secretary. He said former secretary general MP Davit Kirkitadze merely traded positions with the former governor of Kvemo Kartli, Zurab Melikishvili. According to Machavariani, the UNM is focusing on OSCE and NGO recommendations, and a consistent platform of economic improvement in their campaign. He lamented the opposition's focus on ousting Saakashvili and worried that they may force serious unrest if they do not like the election results. In order to increase public trust in the election process, Machavariani said his party supports training election commission members and allowing them to do their jobs professionally, without interference. He said the CEC must train commission members to accurately tabulate the results and avoid mistakes. He hoped the UNM would not win another constitutional majority of 2/3 of Parliament's seats in the May election. However, he said some in his party hope that the UNM does just that. Machavariani said the UNM currently has about 42 percent popular support. Between this and the majoritarian seats, he expects the UNM to win around 85 of 150 total seats. Machavariani indicated this would be among the best of results, allowing the new Parliament time to forge consensus with opposition members and jointly amend the constitution (including the election of the majoritarian seats) ahead of the 2010 local elections -- and then leave it alone. (Comment: This could be a positive outcome, provided the ruling party and opposition could work together to get things done in a new Parliament. However, there is some division within different camps of the UNM. Machavariani's estimates are not shared by all, nor is his view of the best-case scenario. End comment.)

Scotland Yard to Train Georgian Prosecutors

¶10. (U) From April 22-24 in Tbilisi, Scotland Yard, an FBI Special Agent, and two Assistant United States Attorneys will conduct training for the Georgian Prosecutor's Office on how to prosecute financial infractions associated with political campaigns. The Scotland Yard detectives will address

TBILISI 00000666 004 OF 004

potential abuses of administrative funds by government officials while the U.S. experts will address illegal campaign contributions and campaign fraud. This is the second election crime seminar sponsored by the Department of Justice Office of Overseas Prosecutorial Development and Training (OPDAT). After the first seminar in December 2007,

the Prosecutor's office opened investigations to clarify incidents where individuals allegedly stuffed ballot boxes and voted twice during the January 2008 Presidential elections.

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